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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 DANIEL LEVIN, ET AL.,

No. 3:14-cv-03352-CRB

12 Plaintiffs,

**ORDER DENYING DEFENDANT'S
MOTION TO ENTERTAIN RULE 60(b)
MOTION FOR RELIEF FROM
JUDGMENT**

13 v.

14 CITY AND COUNTY OF SAN FRANCISCO,

15 Defendant.
16 _____/

17 Defendant the City and County of San Francisco moves for an order that the Court
18 will entertain a Federal Rule of Civil Procedure 60(b) motion for relief from the Court's
19 judgment of October 21, 2014 (the "Judgment"). Mot. (dkt. 104) at 1. In light of Plaintiffs'
20 Motion to Dismiss the Appeal for Lack of Jurisdiction (Mootness) now pending in the Ninth
21 Circuit, see Opp'n (dkt. 107), Ex. B. (dkt. 107-2), the Court DENIES Defendant's motion
22 without prejudice.

23 If the Ninth Circuit grants Plaintiffs' motion and determines that the appeal is moot,
24 the Court will entertain a Rule 60(b) motion at a later date if the Ninth Circuit has not already
25 vacated the Judgment. See Cammermeyer v. Perry, 97 F.3d 1235, 1239 (9th Cir. 1996). The
26 Court may also revisit the case in any other way made appropriate by either the Ninth

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1 Circuit's disposition of the pending appeal or by the future action of the parties.

2 **IT IS SO ORDERED.**

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4 Dated: July 23, 2015

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE